

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
WASHINGTON ALARM, INC.)
)
Licensee of Industrial/Business Private Land)
Mobile Radio Station WNYM824, Seattle,)
Washington)

ORDER PROPOSING MODIFICATION

Adopted: February 27, 2007

Released: February 28, 2007

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. By this *Order Proposing Modification*, we initiate a proceeding to modify the license of Washington Alarm, Inc. ("Washington Alarm") for Industrial/Business Pool Station WNYM824, Seattle, Washington, to limit the use of frequency 460.9375 MHz to 200 meters above mean sea level (AMSL). As discussed in further detail below, we take this action in furtherance of ensuring compliance with international obligations and to promote the public interest.

II. BACKGROUND

2. Washington Alarm's license for Station WNYM824, Seattle, Washington, authorizes operations on frequency pair 460/465.9375 MHz with a maximum authorized transmitter output power of two watts at any location within 121 kilometers of a center point located near the center of Seattle, Washington.¹ The license authorizes only mobile units, but Section 90.267(f)(1) of the Commission's Rules provides that fixed stations on this frequency pair may be licensed as mobile.²

3. On December 23, 2005, a representative of Industry Canada contacted the Seattle, Washington office of the Commission's Enforcement Bureau, stating that Station VCU869 in Saltspring Island, British Columbia, was receiving interference to its communications on frequency 460.9375 MHz. Based on the information supplied by Industry Canada, agents from the Enforcement Bureau performed an inspection on April 11, 2006 of a base station located on Tiger Mountain transmitting on frequency 460.9375 MHz.³ The base station is operated by Washington Alarm under the authorization for license WNYM824. Upon inspection of the Washington Alarm site, the Commission field agents determined that the base station was operating with a transmitter output power of 6.5 watts rather than the authorized 2 watts. The power was

¹ See license for Station WNYM824. The coordinates of the center point of the authorized service area are 47-35-59.4 N/122-19-4.5 W.

² 47 C.F.R. § 90.267(f)(1).

³ The coordinates of the base station are 47-29-17.16 N/121-56-48.2 W.

reduced in compliance with the authorization and an omni-directional antenna was installed. Nevertheless, Industry Canada reported on April 18, 2006 that Station VCU869 continues to suffer harmful interference from Station WNYM824.

III. DISCUSSION

4. Based on the information before us, we conclude that Washington Alarm's operation on frequency 460.9375 MHz should be restricted in order to prevent interference to Station VCU869 operating on the same frequency. Station VCU869 is entitled to protection from harmful interference created by Washington Alarm's station because Station VCU869 was coordinated with the United States in accordance with the current U.S./Canadian agreement.⁴ By contrast, Washington Alarm's license to operate with two watts transmitter output power on frequency 460.9375 MHz was granted without Canadian coordination.⁵

5. According to Section 90.173 of the Commission's Rules, all applicants and licensees shall cooperate in the selection and use of frequencies in order to reduce interference and make the most effective use of authorized facilities.⁶ In addition, Section 90.173 indicates that the Commission may deny or restrict the use of any frequency at a given location if its use in that location is not in the public interest.⁷

6. In this instance, based on the circumstances presented, we find that Washington Alarm's current operation on frequency 460.9375 MHz at Tiger Mountain is contrary to the public interest. Washington Alarm's operation at this location is causing harmful interference to Station VCU869, which is a consequence at odds with the U.S.-Canada Agreement. Moreover, we note that, although Washington Alarm has modified its operations on frequency 460.9375 MHz since April 11, 2006, it has been unable to effectively reduce or eliminate the interference. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended (the Act), provides the appropriate vehicle for resolving this matter.⁸ Section

⁴ See USA: *Treaties and Other International Acts Series* (TIAS) 5205; CAN: *Canada Treaty Series* (CTS) 1962 No. 15. *Agreement Between the United States of America and Canada Revising the Technical Annex to the Agreement of October 24, 1962* (TIAS 5205/CTS 1962 No. 15), Effected by Exchange of Notes at Ottawa, Canada, June 16 and 24, 1965. Entered into force June 24, 1965. USA: TIAS 5833/CAN: CTS 1962 No. 15, as amended June 24, 1965 (U.S.-Canada Agreement).

⁵ The U.S.-Canada Agreement allows stations in the border area to operate at a maximum of five watts effective radiated power (ERP) without coordination. See U.S.-Canada Agreement at Arrangement A § 4(a) (indicating that coordination with Canada is only necessary for applications involving an ERP in excess of five watts). The coordinates of the center point of Station WNYM824's authorized service area are within the border area where Canadian coordination is required for stations operating with more than five watts ERP. See *id.* at § 2(a). We note that the Tiger Mountain site is outside the border area. Even if Station WNYM824 were licensed as a fixed station at the Tiger Mountain coordinates, however, we believe that Industry Canada would request action to alleviate the interference to Station VCU869, because the U.S.-Canada Agreement provides for special coordination of operations outside the border area that might result in harmful interference to the radio services of the other country. See U.S.-Canada Agreement at § 8.

⁶ 47 C.F.R. § 90.173(b).

⁷ *Id.*

⁸ 47 U.S.C. § 316(a)(1).

316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁹

7. Based on our engineering analysis, we conclude that the interference to Station VCU869 would likely be resolved if the height of Washington Alarm's transmitting antenna were limited to 200 meters AMSL.¹⁰ Therefore, we conclude that it would be in the public interest to add a condition to license WNYM824 limiting any operation on the frequency 460.9375 MHz to antenna sites where the antenna height AMSL is no greater than 200 meters. In this connection, we note that the proposed modification would serve the public interest by eliminating harmful interference to VCU869. Furthermore, we believe that limiting the antenna height to 200 meters AMSL will not unduly disrupt Washington Alarm's operations. Thus, we believe that a modification of Washington Alarm's license limiting the antenna height is appropriate under the circumstances presented.

8. Consequently, we propose to modify Washington Alarm's license for Station WNYM824 to limit its antenna height to 200 meters AMSL. In accordance with Section 1.87(a) of the Commission's Rules,¹¹ we will not issue a modification order until Washington Alarm has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Washington Alarm must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be mailed to the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Washington, DC 20554, Attn: Tim Maguire.¹² If no protest is filed, Washington Alarm will have waived its right to protest the modification and will be deemed to have consented to the modification.

V. ORDERING CLAUSES

9. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license for Private Land Mobile Radio Service Station WNYM824, Seattle, Washington held by Washington Alarm, Inc., BE MODIFIED by adding the following special condition: "Use of frequency 460.9375 MHz is authorized only where the antenna height above mean sea level is no greater than 200 meters."

10. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Washington Alarm, Inc., 1253 S. Jackson, Seattle, WA 98144, Attn: John Woodman.

⁹ *Id.*

¹⁰ The antenna height at its current location on Tiger Mountain is nearly 1000 meters AMSL.

¹¹ 47 C.F.R. § 1.87(a).

¹² The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

11. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau